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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/802,510  | 03/17/2004  | Aravind Doss           | ITL0902US (P15219)  | 3982             |
| 21906 7590 05/23/2008<br>TROP PRUNER & HU, PC<br>1616 S. VOSS ROAD, SUITE 750<br>HOUSTON, TX 77057-2631 |             |                        |                     |                  |
| EXAMINER<br>CAO, DIEM K   |             |                        |                     |                  |
| ART UNIT<br>2194  |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>05/23/2008   |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,510

**Applicant(s)**

DOSS ET AL.

**Examiner**

DIEM K. CAO

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-4 and 6-25 are pending. Applicant has cancelled claims 5 and 26-37.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 10 is directed to computer programs, i.e., software per se, which are not physical “things” even though the preamble cites “A computer system” since the rest of the claim does not include any hardware. They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed storage computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.

Claims 11-17 fail to remedy the deficiencies of claim 10 above, and therefore are rejected under the same ground of rejection.

***Claim Objections***

3. Claim 4 is objected to because of the following informalities: Claim 4 recites two period (..), one period should be removed. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4 and 6, 8-14, 16-22, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Brumme et al. (U.S. 6,134,559).**

As to claim 1, Brumme teaches a method comprising:

- providing a first request to access a function associated with a first object mode (an example query by a client to query an object stored in a relational database; col. 33, lines 14-15 and the attributes of an object can only be accessed by calling a method within the object; col. 19, lines 11-13 and The OLE client 272 may utilize the CORBA object 274; col. 11, lines 8-9);
- converting the first request into a second request associated with a second object model different from the first object model (an adapter, which supports the target data source, parses the query out ... mapped to the specific data source being supported; col. 32, lines 6-9 and col. 33, lines 17-20); and

- creating an object associated with the second object model in response to the second request (for objects that specify a strict encapsulation barrier, no copy is generated, and the object is activated to access or query the object; col. 19, lines 21-55 and col. 34, lines 19-24).

As to claim 2, Brumme teaches executing a script to create the second request (The object oriented environment accepts declarative scripts, such as through fourth generation languages (4GL) scripts, as a means to provide functionality to the system; col. 29, lines 4-7).

As to claim 3, Brumme teaches retrieving a script in response to the first request (When a method in a foreign object is called ... the functionality; col. 29, lines 12-17).

As to claim 4, Brumme teaches converting between protocols from different vendors (CORBA object, OLE object, conversion; col. 11, lines 1-22).

As to claim 6, Brumme teaches wherein the first request is associated with fabrication of an integrated circuit (col. 7, lines 20-26. It is noted that the specification does not disclose any definition regarding "fabrication of an integrated circuit").

As to claim 8, Brumme teaches providing a mechanism to discover services (col. 25, lines 55-60 and col. 26, lines 25-32).

As to claim 9, Brumme teaches distributing agents on different servers (adapters; col. 9, lines 25-31).

As to claim 10, Brumme teaches a computer system comprising:

- a client to provide a first request to access a function associated with a first object model (an example query by a client to query an object stored in a relational database; col. 33, lines 14-15 and the attributes of an object can only be accessed by calling a method within the object; col. 19, lines 11-13 and The OLE client 272 may utilize the CORBA object 274; col. 11, lines 8-9);
- a first component to receive a first request to access a function associated with a first object model and convert the first request into a second request associated with a second object model different from the first object model (an adapter, which supports the target data source, parses the query out ... mapped to the specific data source being supported; col. 32, lines 6-9 and col. 33, lines 17-20); and
- a second component to create an object associated with the second object in response to the second request (for objects that specify a strict encapsulation barrier, no copy is generated, and the object is activated to access or query the object; col. 19, lines 21-55 and col. 34, lines 19-24).

As to claims 11-14, 16 and 17, see rejections of claims 2-4, 6 and 8-9 above.

As to claim 18, it is the same as the method claim of claim 1 except this is a computer product claim and is rejected under the same ground of rejection.

As to claims 19-22 and 24-25, see rejections of claims 2-4, 6 and 8-9 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 7, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brumme et al. (U.S. 6,134,559).**

As to claim 7, Brumme does not explicitly teach converting between asynchronous and synchronous communication. However, it is well known in the art that CORBA, COM or OLE objects support both synchronous communication and asynchronous communication. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the system of Brumme is capable of converting between asynchronous and synchronous communication in order to support any type of foreign object types. It is further note that the specification did not disclose how the converting between asynchronous and synchronous communication is implemented or in which situation that the conversion is needed.

As to claims 15 and 23, see rejection of claim 7 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEM K. CAO whose telephone number is (571)272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC  
May 19, 2008

/Diem K Cao/  
Examiner of Art Unit 2194